

Preamble

We, the people of the State of Yap
Desire to live in peace and harmony
with one another,
our neighbors and our environment
Recognize our traditional heritage and
villages as the foundation of
our society and economy
Realize our prosperity and welfare
require an intelligent selection and integration
of modern technology and institutions
Dedicate ourselves to govern our State,
now and forever,
for the general welfare of
all generations to come
Do hereby ordain and establish
this Constitution of the State of Yap.

Article I

SUPREMACY

Section 1. This Constitution is the supreme law of the State. An act of government in conflict with this Constitution is invalid to the extent of conflict.

Article II

FUNDAMENTAL RIGHTS

Section 1. No law shall deny or impair freedom of speech or of the press, or the right of the people to peaceably assemble and to petition the State Government for a redress of grievances.

Cross-references: See [Declaration of Rights](#) in the FSM Constitution.

Section 2. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof, except that assistance may be provided to parochial schools for nonreligious purposes.

Section 3. The right of people to be secure in their persons, houses, papers, and effects, against unreasonable search, seizure or invasion of privacy, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Section 4. No person shall be deprived of life, liberty, or property, without due process of law, or be denied the equal protection of the laws, or be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof, on account of race, sex, religion, language, ancestry, or national origin.

Section 5. In all criminal prosecutions, the accused shall enjoy the right to a speedy public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the effective assistance of counsel for his defense.

Section 6. No person shall be compelled in any criminal case to be a witness against himself, or against a member of his family as prescribed by law, or be twice put in jeopardy for the same offense.

Cross-references: See [Declaration of Rights](#) in the FSM Constitution.

Section 7. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment, as determined by the values of the State, inflicted.

Section 8. The writ of habeas corpus shall be granted without delay, and the privilege of the writ of habeas corpus shall not be suspended, except by the Governor and then only when public safety requires it in the case of war, rebellion, insurrection or invasion.

Section 9. No bill of attainder, ex post facto law, or law impairing the obligations of contract shall be enacted.

Section 10. Slavery shall not exist in the State.

Section 11. The Legislature may provide by general law for the taking of private property for a public purpose. The general law shall provide for just compensation, good faith negotiations for lease or purchase and consultation with appropriate local government prior to the taking, and the manner of the taking.

Section 12. Every person may sue for redress, as provided by law, from the State or public entity in case that person has suffered damage through an illegal act of any public official.

Section 13. The enumeration of certain rights in this Constitution shall not be construed to impair or deny other rights of the people.

Cross-references: See [Declaration of Rights](#) in the FSM Constitution.

Article III

TRADITIONAL LEADERS AND TRADITIONS

Section 1. Due recognition shall be given to the Dalip pi Nguchol and their traditional and customary roles.

Constitutional amendment: New Section 1 was added by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-65, D2 of the 2004 Yap Constitutional Convention.

Section 2. There shall be a Council of Pilung and Council of Tamol which shall perform functions which concern tradition and custom.

Constitutional amendment: Section 1 was renumbered as Section 2 by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-65, D2 of the 2004 Yap Constitutional Convention.

Section 3. Due recognition shall be given to traditions and customs in providing a system of law, and nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom.

Case annotations: Since under Yapese custom a daughter in her adult years may be expected to provide certain services for her mother, the loss of such customary services should be considered in calculating the mother's pecuniary injury resulting from her daughter's death. [*Leeruw v. FSM*, 4 FSM Intrm. 350](#), 365 (Yap 1990).

Given that a 19-year old daughter is considered a child under Yapese custom, that the decedent was a 19-year old daughter who up to the time of her death continued to live with her parents in Yap and to perform those household chores expected under custom of young female persons within families in Yap, and that the parents were accompanying their daughter en route to obtain medical services when she died, the daughter was a child within the meaning of 6 FSMC 503. [*Leeruw v. FSM*, 4 FSM Intrm. 350](#), 366 (Yap 1990).

Constitutional amendment: Section 2 was renumbered as Section 3 by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-65, D2 of the 2004 Yap Constitutional Convention.

Article IV
SUFFRAGE AND ELECTIONS

Section 1. A citizen of the Federated States of Micronesia who has attained the age of eighteen years and is registered to vote in the State shall be qualified to vote in state elections.

Section 2. The Legislature shall prescribe a minimum period of residence and the method of voting at elections, and shall provide for voter registration, disqualification for conviction of crimes, and disqualification for mental incompetence or insanity. Secrecy of voting shall be preserved.

Section 3. General elections shall be held on the first Tuesday following the first Monday in November in an even numbered year every four years; PROVIDED, in the event of a natural disaster or other Acts of God, the effect of which precludes holding the election of the foregoing date, the Governor may proclaim a later election to be held within sixty days. Special elections may be held in accordance with law.

Section 4. Contested elections shall be determined by the State Court in such manner as may be prescribed by law.

Section 5. A plurality of votes given at an election by the people shall constitute a choice, where not otherwise provided by this Constitution.

Section 6. A new election shall be ordered by the Chief Justice of the State Court if two or more candidates have the highest and equal number of votes, except in cases specially provided for by this Constitution. The election shall be limited to the candidates receiving the equal and highest number of votes.

Article V

THE LEGISLATURE

Section 1. The legislative power of the State is vested in the Legislature. Such power shall extend to all rightful subjects of legislation not inconsistent with this Constitution.

Section 2. The Legislature shall be composed of ten members, who shall be elected by the qualified voters of the respective election districts.

Section 3. Members of the Legislature shall be elected from election districts and in the numbers shown in Article XI of this Constitution.

Section 4. The members of the Legislature shall be elected at a general election. The term of office shall begin at noon on the second Monday in January following the general election and end at noon on the second Monday in January, four years thereafter.

Section 5. Any vacancy in the Legislature shall be filled for the unexpired term by special election, except that an unexpired term of less than one year shall be filled by appointment by the Governor.

Section 6. No person shall be eligible to serve as a member of the Legislature unless he is at least twenty-five years of age, has been a citizen of the Federated States of Micronesia for at least ten years, and a resident of the State for at least five years and of the election district from which elected for at least one year immediately preceding filing for office, and is a qualified voter of the election district from which he seeks to be elected.

Section 7. A person convicted of a felony shall not be eligible to serve as a member of the Legislature unless the person so convicted has received a pardon restoring his civil rights.

Section 8. No member of the Legislature shall hold another public office or public employment, nor shall he, for one year succeeding his term for which he is elected or appointed, be elected or appointed to any public office, or employment, which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term.

Section 9. No member of the Legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions, and members of the Legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at sessions or committee meetings of the Legislature, and in going to and returning from the same.

Section 10. The members of the Legislature shall receive annual salaries as prescribed by law. No law increasing salaries shall take effect until after the end of the term for which the members voting thereon were elected.

Section 11. The Legislature shall convene its meeting on the second Monday in January following the general election and may meet regularly for four years. A special session may be convened at the call of the Governor or by the Speaker at the written request of two-thirds of the members of the Legislature.

Section 12. The Legislature shall be the judge of the qualifications of its members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of the members, by suspension or expulsion of such member.

The Legislature shall choose its own officers, determine the rules of its proceedings and keep a journal. The Legislature shall have and exercise all the authority and attributes inherent in legislative assemblies, including the power to institute and conduct investigations, issue subpoenas to witnesses and other concerned parties, and administer oaths.

Section 13. Two-thirds of the members of the Legislature shall constitute a quorum for the conduct of ordinary business of which quorum a majority vote shall suffice, but the final passage of a bill or resolution shall require the vote of two-thirds of the members and entered upon its journal. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Legislature may provide.

Section 14. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the Legislature of the State of Yap".

Section 15. No bill shall become law unless it shall pass two readings in the Legislature on separate days.

Section 16. A certified copy of every bill which shall have passed the Legislature shall be presented to the Council of Pilung and Council of Tamol for consideration. The Councils shall have the power to disapprove a bill which [concerns] adversely affects tradition and custom or the role or function of a traditional leader as recognized by tradition and custom. The Councils shall be the judge of the [concernment] effect of such bill.

Constitutional amendment: Section 16 was amended as set forth above (words in brackets deleted and words underlined added) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-53, D2 of the 2004 Yap Constitutional Convention.

Section 17. The Council of Pilung and the Council of Tamol may disapprove a bill by returning the certified copies of the bill with their objections which shall describe the adverse effect on the respective tradition and custom or the role or function of a traditional leader as recognized by tradition and custom within thirty days after it is received from the Legislature. A disapproved bill may be amended to meet the Councils' objections and, if so amended and passed, only one reading being required for such passage, it shall be presented again to the Councils.

Constitutional amendment: Section 17 was amended as set forth above (words added underlined) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-53, D2 of the 2004 Yap Constitutional Convention.

Section 18. Every bill which shall have passed the Legislature and has not been disapproved by the Council of Pilung and the Council of Tamol, or where both Councils inform the Legislature that the bill will not be disapproved, shall be certified by the Speaker and Chief Clerk of the Legislature and shall be presented to the Governor. If the Governor approves the bill, he shall sign it and it shall become law. The Governor may veto any specific item or items in it and it shall become law. The Governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same, but he may veto other bills only as a whole.

The Governor shall have ten days to consider bills presented to him ten or more days before

adjournment of the Legislature sine die, and if any bill is neither signed nor returned by the Governor within that time, it shall become law in like manner as if he had signed it.

The Governor shall have thirty days, after adjournment of the Legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the thirtieth day if it is neither signed nor returned on or before that day.

Section 19. Upon the receipt of a veto message from the Governor, the Legislature may proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items. If after such reconsideration such bill, item or items, shall be approved by a two-thirds vote of the members of the Legislature on one reading, the same shall become law.

If upon receipt of the veto message from the Governor, the Legislature is not in session or recess, the Legislature may reconsider the vetoed bill in the next regular session or special session.

A vetoed bill may be amended to meet the Governor's objections, and if so amended and passed, only one reading being required for such passage, it shall be presented again to the Governor, but shall become law only if he shall sign it within ten days after presentation.

Section 20. The Governor, Lieutenant Governor or a Justice of the State Court may be removed from office for misfeasance or malfeasance in office, or for conviction of a felony, by a vote of three-fourths of the members of the Legislature.

Article VI

THE EXECUTIVE

Section 1. The executive power of the State shall be vested in the Governor.

The Governor shall be elected by the qualified voters of the State at a general election. The person receiving the highest number of votes, and at least forty-five percent of the votes cast, shall be the Governor. In case no person receives forty-five percent of the votes cast, the selection of the Governor shall be determined by special election between the two persons receiving the highest number of votes in the general election.

The term of Governor shall begin at noon on the second Monday in January following the general election and end at noon on the second Monday in January, four years thereafter.

No person shall be eligible for the Office of the Governor unless he is at least thirty years of age, is a citizen of the Federated States of Micronesia by birth, and a resident of the State for at least fifteen years and five years immediately preceding filing for office, is a qualified voter of the State, and never has been convicted of a felony unless he has received a pardon restoring his civil rights.

The Governor shall not hold another public office or employment during his term of office.

No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has intervened.

Section 2. There shall be a Lieutenant Governor who shall have the same qualifications as the Governor, provided that if the Governor is a resident of Yap Islands Proper, the Lieutenant Governor shall be a resident of the Outer Islands, and if the Governor is a resident of the Outer Islands, the Lieutenant Governor shall be a resident of Yap Islands Proper.

The Lieutenant Governor shall be elected at the same time, for the same term and in the same manner, as the Governor. The votes cast for the candidate for Governor shall be considered as cast also for the candidate for Lieutenant Governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for Governor shall be elected Lieutenant Governor.

Section 3. The Governor and Lieutenant Governor shall receive annual salaries as prescribed by law. Such salaries shall not be increased or decreased for their respective terms of office, except by general law applying to salaried officers of the State Government.

Section 4. The Lieutenant Governor may be appointed by the Governor to head a principal executive department established by law and shall have such other responsibilities assigned by the Governor or prescribed by law.

The Lieutenant Governor shall exercise and discharge the powers and duties of the Office of the Governor during the absence of the Governor from the State or the inability of the Governor to exercise and discharge his powers and duties.

In the event that the offices of both the Governor and Lieutenant Governor become vacant, the Speaker of the Legislature shall succeed to the Office of the Governor.

Succession to the Office of the Lieutenant Governor shall be prescribed by law.

During the absence or disability of both the Governor and Lieutenant Governor, a head of a principal executive department shall exercise the powers and duties of the Office of Governor.

Section 5. The Governor shall be responsible for the faithful execution of the laws.

Section 6. The Governor may grant reprieves, commutations and pardons, after conviction, subject to regulation by law, except in cases of impeachment. No reprieve, commutation or pardon may be granted to a person holding the Office of Governor or Lieutenant Governor.

Section 7. The Governor shall annually communicate to the Legislature, by message, the condition of the State, and shall in like manner recommend measures as he may deem desirable.

Section 8. All executive and administrative offices, departments and instrumentalities of the State Government and their respective functions, powers and duties shall be established by law.

Each principal department shall be under the supervision of the Governor and shall be headed by a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Legislature, to serve at the pleasure of the Governor during his term of office and until the appointment and qualification of their successors, except that the removal of the Attorney General shall be subject to the advice and consent of the Legislature.

Whenever a board, commission or other body shall be the head of the principal department or a regulatory or quasi-judicial agency, the members shall be nominated and appointed by the Governor with the advice and consent of the Legislature. The term of office and removal of members shall be as prescribed by law.

Section 9. If required to preserve public peace, health or safety, at a time of extreme emergency caused by civil disturbance, natural disaster, or immediate threat of war or insurrection, the Governor may declare a state of emergency and issue appropriate decrees.

A declaration of emergency shall not impair the power of the judiciary except that the declaration shall be free from judicial interference for fifteen days after it is first issued. A declaration of emergency may impair a civil right to the extent actually required for the preservation of peace, health or safety.

Within thirty days after the declaration of emergency, the Legislature shall convene at the call of the Speaker or the Governor to consider revocation, amendment or extension of the declaration. Unless it expires by its own terms, is revoked or extended, a declaration of emergency is effective for thirty days.

Article VII

THE JUDICIARY

Section 1. The judicial power of the State shall be vested in the State Court, and other courts as may be created by law.

Section 2. The State Court shall be the highest court of the State and shall consist of a Chief Justice and two Associate Justices. The number of Associate Justices may be increased by law upon the request of the State Court. Retired Justices of the State Court, or other persons learned or experienced in the law, may serve temporarily on the State Court at the request of the Chief Justice. The Chief Justice may give a special assignment to a person to serve as an Associate Justice for a case. In case of vacancy in the Office of the Chief Justice, or if he is ill, absent or otherwise unable to serve, an Associate Justice shall serve temporarily in his place.

Constitutional amendment: The underlined clause was a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-38, D1 of the 2004 Yap Constitutional Convention.

Section 3. The Governor shall nominate and appoint, with the advice and consent of the Legislature, the Chief Justice and Associate Justices of the State Court. Justices of the State Court shall hold their offices for terms of six years.

Section 4. Compensation of Justices of the State Court shall be prescribed by law. Their compensation shall not be decreased during their respective terms of office, except by general law applying to salaried officers of the State Government.

Section 5. The courts shall have original and appellate jurisdiction as prescribed by law.

Case annotations: A state law provision attempting to place "original and exclusive jurisdiction" in the Yap State Court cannot divest a national court of responsibilities placed upon it by the national constitution, which is the "supreme law of the Federated States of Micronesia." [*Gimnang v. Yap*, 5 FSM Intrm. 13](#), 23 (App. 1991).

A state law cannot divest the FSM Supreme Court of exclusive jurisdiction in cases arising under art. XI, § 6(a) of the FSM Constitution. [*Faw v. FSM*, 6 FSM Intrm. 33](#), 36-37 (Yap 1993).

Section 6. The State Court shall make and promulgate rules governing the practice and procedure in civil and criminal cases, which shall have the force and effect of law, provided that the Legislature may establish or change such rules by law. The State Court shall be a court of record.

Section 7. Court decisions shall be consistent with this Constitution, State traditions and customs, and the social and geographical configuration of the State.

Article VIII
LOCAL GOVERNMENT

Section 1. The Legislature may provide for the establishment of political subdivisions within the State and provide for the government thereof. Each political subdivision shall have and exercise powers as may be conferred by laws. The people may organize and operate local governments in a manner consistent with law.

Article IX

TAXATION AND FINANCE

Section 1. The power of taxation shall never be surrendered, suspended or contracted away.

Section 2. No tax shall be levied or appropriation of public money made or public property transferred except for a public purpose.

Section 3. The property of the State Government or its political subdivisions shall be exempt from taxation.

Section 4. The taxing power shall be reserved to the State Government, except so much thereof as may be delegated by the Legislature to the local governments; provided that the State Government may not tax real property.

The Legislature may apportion State revenues among local governments.

Section 5. The Legislature shall not appropriate funds in excess of estimated available revenues.

Section 6. No money shall be withdrawn from the State treasury nor obligated except in accordance with law.

Section 7. The Governor shall submit to the Legislature a budget setting forth a complete plan of proposed expenditures and anticipated receipts of the State Government, together with other information as the Legislature may require. The budget shall be submitted in a form, at a time, and for fiscal years prescribed by law.

The Governor shall also submit bills to provide for proposed expenditures and for any recommended additional revenues at a time prescribed by law.

Section 8. There shall be regular and independent audits of State agencies and revenues.

Section 9. The State shall conduct regular public oversight hearings of the State agencies and revenues.

Constitutional amendment: New Section 9 was added by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-51, D2 of the 2004 Yap Constitutional Convention.

Article X

AMENDMENT

Section 1. An amendment to this Constitution may be proposed by a Constitutional Convention. At least every ten years, the Legislature shall submit to the voters the question: "Shall there be a Convention to amend the Constitution?" If a majority of ballots cast upon the question is in the affirmative, delegates to the Convention shall be chosen no later than the next regular election in the State.

Section 2. An amendment to this Constitution may be proposed by a popular initiative. An initiative is proposed by a petition containing the proposed amendment. The petition shall be signed by at least twenty-five percent of the registered voters and filed with the Governor who shall certify its validity.

Section 3. The Legislature may propose an amendment to this Constitution by adopting a resolution by a three-fourths vote of the members of the Legislature.

Section 4. At a general or special election, or a referendum, a proposed amendment shall be submitted to the electorate for approval or rejection upon a separate ballot. A proposed amendment shall become part of this Constitution when approved by a majority of votes cast.

Section 5. The Legislature shall appropriate funds and enact necessary legislation to implement this Article.

Article XI
LEGISLATURE ELECTION DISTRICTS

Section 1. The first election district shall be Yap Islands Proper and shall have six members.

Section 2. The second election district shall be Ulithi Atoll, Fais Island, Sorol Atoll and Ngulu Atoll and shall have one member.

Section 3. The third election district shall be Woleai Atoll and shall have one member.

Section 4. The fourth election district shall be Eauripik Atoll, Faraulep Atoll and Ifaluk Atoll and shall have one member.

Section 5. The fifth election district shall be Satawal Island, Lamotrek Atoll and Elato Atoll and shall have one member.

Section 6. At least every 10 years the Legislature shall reapportion itself into election districts. Each district shall be approximately equal in population per member after giving due regard to the social and geographical configuration of the State.

Article XII
HEALTH AND EDUCATION

Section 1. The State Government shall provide for the protection and promotion of the public health, which may include the traditional practice of medicine.

Section 2. The State Government shall provide for public education and schools. Public elementary education shall be free. Traditions and customs of the people of this State shall be taught in public schools as provided by law.

Section 3. Standards for education for the State of Yap shall be prescribed by law.

Constitutional amendment: New Section 3 was added by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-47, D3 of the 2004 Yap Constitutional Convention.

Article XIII

CONSERVATION AND DEVELOPMENT OF RESOURCES

Section 1. The State Government may provide for the protection, conservation and sustainable development of agricultural, marine, mineral, forest, water, land and other natural resources.

Constitutional amendment: Section 1 was amended as set forth above by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-39, D1 of the 2004 Yap Constitutional Convention. The original wording was as follows: "**Section 1.** The State Government shall promote the conservation and development of agricultural, marine, mineral, forest, water, land and other natural resources."

Section 2. An agreement for the use of land where a party is not a citizen of the Federated States of Micronesia or a corporation not wholly owned by such citizens shall not exceed a term of [fifty] one hundred years. The Legislature may prescribe a lesser term.

Constitutional amendment: Section 2 was amended as set forth above (with deleted language bracketed and added language underlined) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-14, D1 of the 2004 Yap Constitutional Convention.

Section 3. Title to land may be acquired only in a manner consistent with traditions and customs.

Section 4. Radioactive and nuclear substances shall not be tested, stored, used or disposed of within the State.

Section 5. The State recognizes traditional rights and ownership of natural resources and areas within the marine space of the State from the high water mark up to [, within] and beyond 12 miles from island baselines. No action may be taken to impair these traditional rights and ownership, except the State Government may provide for the conservation and sustainable development [protection] of natural resources within the marine space of the State from the high water mark up to [within] 12 miles from island baselines.

Constitutional amendment: Section 5 was amended as set forth above (words added underlined and words deleted bracketed) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-39, D1 of the 2004 Yap Constitutional Convention.

Section 6. A foreign fishing, research or exploration vessel shall not take natural resources from any area within the marine space of the State, except as may be permitted by the appropriate persons who exercise traditional rights and ownership and by statute.

Article XIV

GENERAL PROVISIONS

Section 1. Colonia shall be the State Capital, unless otherwise designated by law. The Legislature shall provide for the designation and demarcation of the State Capital boundary.

Constitutional amendment: The underlined clause was a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-76, D2 of the 2004 Yap Constitutional Convention.

Section 2. There shall be a civil service system for the State Government, which shall be based upon merit principles.

Case annotations: Section 23 of Yap State Law 1-35, affecting resignation and abandonment of employment positions, does not provide for administrative remedies or administrative appeal of any kind. [*Dabchur v. Yap*, 3 FSM Intrm. 203](#), 205 (Yap S. Ct. App. 1987).

Abandonment of a public office is a voluntary form of resignation wherein the employee's intention to relinquish his position must be clear, either through declaration or overt acts. [*Dabchur v. Yap*, 3 FSM Intrm. 203](#), 207 (Yap S. Ct. App. 1987).

Where the statute in question classifies "constructive" abandonment as an employee ceasing work "without explanation" for not less than six consecutive working days, any explanation from the employee, written or verbal, would suffice to indicate the employer that the employee does not intend to relinquish his position absolutely. [*Dabchur v. Yap*, 3 FSM Intrm. 203](#), 207 (Yap S. Ct. App. 1987).

An employee who contests the factual allegation of voluntary abandonment is not entitled to any administrative remedies or administrative appeal, and has recourse only in the court. [*Dabchur v. Yap*, 3 FSM Intrm. 203](#), 208 (Yap S. Ct. App. 1987).

Section 3. All public officers, before assuming the duties of their office, shall take and subscribe to the following oath or affirmation: "I do solemnly swear that I will support and defend the Constitution of the State of Yap, and that I will faithfully discharge my duties as _____ to the best of my ability, so help me God." The Legislature may prescribe further oaths or affirmations.

Section 4. No person may receive, use, or benefit from any government revenue, property, or service for personal benefit or gain, except as may be permitted by law.

Section 5. The indigenous languages of the State and English shall be official languages.

Section 6. The meaning of any provision of this Constitution shall be determined in accordance with the intent of the delegates.

Section 7. The people may enact, amend or repeal laws by initiative. An initiative petition shall contain the full text of the proposed law, amendment or law to be repealed and shall be signed by not less than twenty-five percent of the registered voters of the State. An initiative petition shall be filed with the Attorney General for certification. An initiative petition certified by the Attorney General shall be submitted to the voters at the next general election and shall take effect if approved by a majority of the votes cast on the initiative.

Section 8. A citizen of the Federated States of Micronesia whose domicile is in this State is a citizen of the State.

Section 9. The Governor, Lieutenant Governor or member of the Legislature may be

removed from office by recall. A recall is initiated by a petition which shall identify the official sought to be recalled by name and office, state the grounds for the recall, and be signed by at least twenty-five percent of the persons qualified to vote for the office occupied by the official. A special recall election shall be held not later than sixty calendar days after the filing of the recall petition. An official shall be removed from office with the approval of a majority of the persons voting in the election. A recall petition may not be filed against an official more than once per term or during the first year of a term in office.

Section 10. Special needs persons shall be accommodated in the manner provided by law.

Constitutional amendment: New Section 10 was added by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-21, D2 of the 2004 Yap Constitutional Convention.

Article XV

TRANSITION

Section 1. The Legislature [shall] may provide for the codification of traditional laws of the State of Yap [within a reasonable time after the effective date of this Constitution].

Constitutional amendment: Section 1 was amended as set forth above (with added language underlined and deleted language bracketed) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-40, D2 of the 2004 Yap Constitutional Convention.

Section 2. All statutory laws in force in this State on the effective date of this Constitution and not inconsistent therewith shall continue in force until amended or repealed.

Section 3. None of the decisional law developed by any predecessor [the High Court of the Trust Territory of the Pacific Islands] shall have the force of stare decisis in the adjudication of any case of controversy in the State Court.

Constitutional amendment: Section 3 was amended as set forth above (with added language underlined and deleted language bracketed) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-18, D2 of the 2004 Yap Constitutional Convention.

Section 4. Except as otherwise provided in this Constitution, all rights, titles, actions, suits, contracts, and liabilities and all pending civil, criminal or administrative proceedings shall continue unaffected, and the constitutional State Government shall be the legal successor to the chartered State Government in all matters; provided that, all rights, claims and defenses which the State of Yap may have against any other predecessor [the Government of the Trust Territory of the Pacific Islands] are expressly reserved.

Constitutional amendment: Section 4 was amended as set forth above (with added language underlined and deleted language bracketed) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-18, D2 of the 2004 Yap Constitutional Convention.

Section 5. Political subdivisions of the chartered State Government existing on the effective date of this Constitution shall continue to exercise their powers and functions under existing law, pending enactment of legislation to carry out the provisions of this Constitution. New political subdivisions may be created only in accordance with this Constitution.

Section 6. All officers of the chartered State Government, or under its laws, on the effective date of this Constitution shall continue to perform the duties of their offices in a manner consistent with this Constitution until they are superseded by officers of the constitutional State Government.

Section 7. The November 2, 1982, general election under the Charter of the Yap State Government is confirmed as the first general election pursuant to this Constitution; provided that there shall be a special election for the Office of Lieutenant Governor at the same time as the next general election for members of the Congress of the Federated States of Micronesia or later date set by statute if the Constitution has not been approved prior to such election. The Office of Lieutenant Governor becomes vacant when the Governor takes his oath of office set by statute if the Constitution has not been approved prior to such time.

Section 8. This Constitution shall take effect at the time the Legislature judges it has been approved by the voters of this State.

Section 9. The Legislature shall adopt official translations of this Constitution.

SIGNATURES

/s/ Joseph Ayin_____
Joseph Ayin, President

/s/ James Lukan_____
James Lukan

/s/ Fernando R. Faleuaath_____
Fernando R. Faleuaath

/s/ Nicholas P. Rahoy_____
Nicholas P. Rahoy

/s/ Joachim Falmog_____
Joachim Falmog

/s/ Alfonso Ranganbay_____
Alfonso Ranganbay

/s/ Christina Felgoboreng_____
Christina Felgoboreng

/s/ Robert A. Ruecho'_____
Robert A. Ruecho'

/s/ Vincent A. Figir_____
Vincent A. Figir

/s/ John B. Rulmal_____
John B. Rulmal

/s/ Tony Ganngiyan_____
Tony Ganngiyan

/s/ Joseph Tamag_____
Joseph Tamag

/s/ Abe Edmund Gilmar_____
Abe Edmund Gilmar

/s/ Louis M. Tarweiche_____
Louis M. Tarweiche

/s/ John R. Haglelgam_____
John R. Haglelgam

/s/ Anthony F. Tawerilmang_____
Anthony F. Tawerilmang

/s/ Belarmino Hathey_____
Belarmino Hathey

/s/ Peter I. Ubemal_____
Peter I. Ubemal

/s/ Henry W. Ibwol_____
Henry W. Ibwol

/s/ Santus J. Wichimai_____
Santus J. Wichimai

/s/ Mark Loochaz_____
Mark Loochaz

/s/ Martin Yinug_____
Martin Yinug